

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 7635
Takeshi KURIBAYASHI et al. : Docket No. 2001_0771
Serial No. 09/881,672 : Group Art Unit 2827
Filed June 18, 2001 :

ELECTRONIC COMPONENT AND MOUNTING
METHOD AND APPARATUS THEREOF

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

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RESPONSE TO THE ELECTION/RESTRICTION REQUIREMENT

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

This is in response to the Election/Restriction Requirement mailed February 20, 2002.

Pursuant to the requirement set forth in the previous Office Action, Applicants hereby provisionally elect Group I, which is embodied by claims 26-36 and is drawn to an electronic component.

However, the requirement for restriction between Inventions I, II and III is respectfully traversed for the following reasons.

MPEP 803.01 specifies that there are two criteria for a proper restriction requirement:

- A. The inventions must be independent or distinct as claimed; and
- B. There must be a serious burden on the Examiner if restriction is required.

Therefore, if the search and examination of an entire application can be performed without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.


In this case, there is no serious burden because the search and examination of claims 26-47 was previously conducted in the parent application (i.e. Serial No. 09/319,779). In particular, claims 26-47 correspond to claims 46-51, 53, and 55-72, respectively, and the merits of these claims were

examined in the parent application. Since an examination on the merits of each of the above-identified inventions was conducted in the parent application, and such examination presumably included a complete search of the subject matter of the claims, it is submitted that there can be no "serious burden" in considering all of claims 26-47 in the present application.

In view of the above, the Examiner is requested to withdraw the restriction requirement, and proceed with an examination on the merits of the application as claimed in claims 26-47.

Respectfully submitted,

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March 15, 2002